IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)		
	Plaintiff,) 8:08CR184)		
	vs.) DETENTION ORDER		
MΑ	ATTHEW M. ROOT,) }		
	Defendant.	,		
A.	After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 21, 2010, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	distribute "crack" cocaine carries a minimum sent maximum of forty years in distribute marijuana (Coucarries a maximum ser possession with intent to III) in violation of 21 U.S.C of twenty years imprison (b) The offense is a crime of (c) The offense involves a national content of the conten	nd includes the following: e offense charged: to distribute and possess with intent to (Count I) in violation of 21 U.S.C. § 846 ence of five years imprisonment and a apprisonment; the possession with intent to int II) in violation of 21 U.S.C. § 841(a)(1) attence of five years imprisonment; the distribute marijuana and cocaine (Count . § 841(a)(1) carries a maximum sentence ment. violence.		
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. Past conduct of the defendant h	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community.		

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		Th	e defendant has a significant prior criminal record. e defendant has a prior record of failure to appear at urt proceedings.
	(b)	At the time X Pro	of the current arrest, the defendant was on: bbation - State of Nebraska
		Re	role lease pending trial, sentence, appeal or completion of ntence.
	(c)	Other Facto	
			e defendant is an illegal alien and is subject to portation.
		Th	e defendant is a legal alien and will be subject to
			portation if convicted.
			e Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal.
			ner:
V (/	1) The		
X (²	relea	ise are as foll	seriousness of the danger posed by the defendant's lows: The nature of the charges in the Indictment, the half history, and his fuguitive status since 2008.
X (5	5) Reb u	uttable Presu	ımntions
(In de on the	termining that he following	t the defendant should be detained, the Court also relied rebuttable presumption(s) contained in 18 U.S.C. § Court finds the defendant has not rebutted:
)` Ťhat no co	ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
		the crime in	person and the community because the Court finds that
		(1)	A crime of violence; or
		(2)	An offense for which the maximum penalty is life
		<u>X</u> (3)	imprisonment or death; or A controlled substance violation which has a maximum
		<u> </u>	penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two
			or more prior offenses described in (1) through (3)
			above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above
			which is less than five years old and which was
			committed while the defendant was on pretrial release.
_	<u>X</u> (b)		ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety munity because the Court finds that there is probable
		cause to be	
		<u>X</u> (1)	That the defendant has committed a controlled
			substance violation which has a maximum penalty of
		(2)	10 years or more. That the defendant has committed an offense under 18
		(2)	U.S.C. § 924(c) (uses or carries a firearm during and
			in relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous weapon or device).

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 21, 2010. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge